

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	<b>CRIMINAL NO.: 1:19-cr-00559 SL</b>
	)	
<b>Plaintiff,</b>	)	
	)	<b>JUDGE SARA LIOI</b>
<b>vs.</b>	)	
	)	
<b>DEEPAK RAHEJA, M.D., <i>et.al.</i>,</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANT DR. RAHEJA'S OBJECTION TO THE GOVERNMENT'S OBJECTION  
TO DEFENSE EXHIBITS AND MOTION IN LIMINE TO PRECLUDE CERTAIN  
PROPOSED EXPERT TESTIMONY**

Now comes Defendant, Dr. Deepak Raheja, by and through undersigned counsel, Ian Friedman, Mara Hirz, and Mary Walsh, of Friedman & Nemecek, LLC, as well as Diane Menashe of Ice Miller, LLP, and hereby provides an Objection to the Government's Objection to Defense Exhibits and Motion in Limine to Preclude Certain Proposed Expert Testimony, (ECF No. 266), filed on October 19, 2022, at approximately 3:07 pm. In particular, the Procedural History and associated facts are inaccurate, misleading, and missing important context. While a more substantive response will be formed and filed, undersigned counsel now places this Honorable Court on immediate notice of the misleading nature of the government's latest filing.

In the meantime, and to factually refute the Government's latest filing, please be advised that undersigned counsel contacted the AUSAs on October 17, 2022, to discuss the case with the hope of streamlining the trial. On October 18, 2022, the government returned the contact. Counselors Friedman and Menashe discussed several evidentiary issues with the AUSAs. This teleconference occurred at 2:27pm and lasted 47 minutes. The call concluded with the government representing that it would provide responses to defense questions the following day,

October 19, 2022. This morning, October 19, 2022, at 8:36am, defense counsel received responses from the government as well as four (4) questions posed by the Government, regarding the intention to introduce certain exhibits. Only a few short hours later, and before the defense could even formulate a response, the government filed the Motion that is the subject of this Objection and Request for Hearing. The continued suggestion by the government that counsel for Dr. Raheja is refusing to work with opposing counsel and has, in some way, violated the order of this Court or the Federal Criminal Rules, as it relates to the timing of evidence disclosure, is simply false. While it is true that defense counsel for all parties provided reciprocal discovery to the Government on September 26, 2022, this was consistent with the timeline provided by this Honorable Court on September 23, 2022.

Moreover, the filing leaves a reader with the impression that the government has timely provided all evidence to defense counsel. In actuality, the defense has continued to receive evidence from the AUSAs, even as late as today, and in response to defense counsel's request during the teleconference of October 18, 2022.<sup>1</sup> This type of dispute is not desirable as counsel would rather utilize remaining time for trial preparation. Undersigned counsel cannot, however, allow this continued and wholly unnecessary false narrative to be alleged and used by the government to the possible detriment of Dr. Raheja.

Therefore, undersigned counsel hereby moves this Honorable Court to note an Objection to the facts set forth in the Government's Objection to Defense Exhibits and Motion in Limine to Preclude Certain Proposed Expert Testimony, filed on October 19, 2022. Additionally, for the

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<sup>1</sup> The Government also provided supplemental discovery disclosures on October 18, 2022, October 13, 2022, October 10, 2022, October 4, 2022, and September 27, 2022. The September 27, 2022, disclosure included the disclosure of three (3) additional expert witnesses. Notably, this is one (1) day *after* the timely expert witness disclosure by Defense Counsel, about which the Government now complains.

reasons set forth herein, undersigned counsel respectfully moves this Honorable Court to schedule a hearing on the requests made in the Objection and Motion, as well several Motions that will be filed by Dr. Raheja and Mr. Mazzucco, once completed later this day and/or tomorrow morning.<sup>2</sup> The requested hearing is critical for this Court's knowledge and for the record of review. A hearing will allow for a full recitation of fact and complete procedural history.

Respectfully submitted,

/s/ Ian N. Friedman

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<sup>2</sup> Upon information and belief, counsel for Mr. Mazzucco also intend to submit filings addressing similar issues as Dr. Raheja.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion in Limine was filed by CM/ECF on the 19th day of October 2022, which will send a notification of such filing electronically to the following: Michael Collyer and Megan Miller, Assistant United States Attorneys, 801 Superior Avenue, Cleveland, OH 44113; Don Malarcik, Esq., 121 S Main Street, Suite 520, Akron Ohio, 44308, and Tinos Diamantatos, Esq., and Megan R. Braden, Esq., 110 N Upper Wacker Dr, Chicago, IL, 60606, counsel for Defendant Frank Mazzucco.

Respectfully submitted,

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